

ARNOLD & PORTER LLP202.942.5000
202.942.5999 Fax555 Twelfth Street, NW
Washington, DC 20004-1206**Fax Transmittal**

December 22, 2005

| RECIPIENT NAME(S) | RECIPIENT FAX NUMBER(S) | RECIPIENT TELEPHONE NUMBER(S) |
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| Board of Patent Appeals and Interferences Attn: Dianne Maggard | (571) 273-0299 | |
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| David R. Marsh | (202) 942-5068 | 982 |
| CLIENT/MATTER NUMBER | TIMEKEEPER NUMBER | NUMBER OF PAGE(S) |
| 16517.142 | 4979 | We are transmitting 3 page(s) (including this cover sheet) |
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| MESSAGE | | |

Re: Appeal No. 2004-1773; Conf. No. 3645
U.S. Patent Appln. Ser. No. 09/421,106 filed October 15, 1999
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Inventor: Joseph R. BYRUM
Atty. Docket: 16517.142

Please see the attached Express Abandonment under 37 CFR § 1.138(a) for the above-identified application.

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ARNOLD & PORTER LLP

David R. Marsh, Ph.D.
David_Marsh@aporter.com

202.942.5068
202.942.5999 Fax

555 Twelfth Street, NW
Washington, DC 20004-1206

December 22, 2005

VIA FACSIMILE

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Appeal No. 2004-1773
Confirmation No. 3645

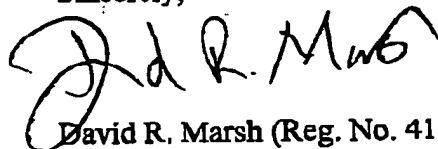
Re: U.S. Patent Application Serial No. 09/421,106 filed October 15, 1999
Inventor: Joseph R. BYRUM
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Att. Dkt.: 16517.142

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office is an Express Abandonment under 37 C.F.R. § 1.138(a). This letter and its attachment are being sent via facsimile to the attention of the Board of Patent Appeals and Interferences.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Appellants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. § 1.16 or § 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docketing number 16517.142.

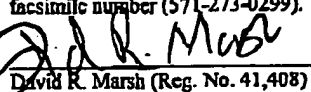
Sincerely,



David R. Marsh (Reg. No. 41,408)

Attachment

I hereby certify that this transmittal and the attached Express Abandonment under 37 C.F.R. § 1.138(a) are being facsimile transmitted to the US PTO to the attention of the Board of Patent Appeals and Interferences via facsimile number (571-273-0299).



David R. Marsh (Reg. No. 41,408)

December 22, 2005
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Joseph R. BYRUM

Appln. No.: 09/421,106

Filed: October 15, 1999

For: Nucleic Acid Molecules and Other Molecules Associated with Plants

Confirmation No.: 3645

Art Unit: 1637

Examiner: Young J. Kim

Atty. Docket: 16517.142

Express Abandonment Under 37 C.F.R. § 1.138(a)

Mail Stop Express Abandonment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby expressly abandon U.S. Application Serial No. 09/421,106 under 37 C.F.R. § 1.138(a) in view of a continuing application filed on December 20, 2005.

Should the Commissioner require additional information, he is invited to contact the undersigned at the number provided below. The undersigned is an attorney of record and therefore has authority to expressly abandon the above-captioned U.S. application in favor of a continuing application filed on December 20, 2005.

Respectfully submitted,



David R. Marsh, Reg. No. 41,408
Arnold & Porter LLP
555 Twelfth Street, N.W.
Washington, DC 20004
Tel: 202-942-5000
Fax: 202-942-5999

Filed: December 22, 2005

Correspondence Address:
MONSANTO COMPANY
800 N. Lindbergh Blvd.
Mailzone E2NA
St. Louis MO 63167
(314) 694-3602 telephone
(314) 694-1671 facsimile

I hereby certify that the foregoing Express Abandonment under 37 C.F.R. § 1.138(a) is being facsimile transmitted to the U.S. Patent and Trademark Office to the attention of the Board of Patent Appeals and Interferences via facsimile number (571) 273-0299.



December 22, 2005